



termination came less than a month after the asset management group she had led, which had been part of the Proprietary Lending Group (“PLG”) was transferred, and she began reporting to a new boss, Mark McCool, and a second level supervisor, Michael Lipson. Both Mr. McCool and Mr. Lipson are Caucasian, neither of whom have ever directly hired an African-American at Capmark (Capmark has presented conflicting evidence as to whether Messrs. Lipson or McCool was responsible for the termination).

No one disputes that, prior to her reporting to Mr. McCool, Ms. Speight was, by all accounts, a stellar performer as was exemplified in every single formal performance evaluation she received through her almost eight year career at Capmark, most recently by the review she received in her last formal evaluation prior to her abrupt termination. In her year-end 2005 evaluation, which was signed off by multiple managers, Capmark wrote:

Wanda has done a great job in synthesizing PLG’s unit level goals with the overall goals and objectives of the company. *She has fostored [sic] an excellent working relationship with credit and senior management[;] equally important her colleagues at PLG appreciate the professionalism with which she approaches her job.*

(2005 Performance Evaluation, P-157 at D000211)(emphasis added).

Within six months, she was fired, based on her alleged lack of professionalism.

Ms. Speight was terminated based on only two specific events, which occurred over a *three day* period – a perceived lack of cooperation in a meeting which occurred on May 23, 2006, and an e-mail she sent on May 25, 2006. The decision to terminate Ms. Speight was allegedly based not on any objective criteria, but on the subjective views of Mr. McCool and/or Mr. Lipson. Mr. Lipson has admitted that, had Ms. Speight not sent the May 25, 2006 e-mail, she would not have been terminated. Prior to her termination, Mr. McCool had written a memo to document his alleged concerns regarding Ms. Speight’s performance; that memo (written

between the May 23 meeting and the May 25 e-mail), references only Ms. Speight's behavior at the May 23 meeting as a source of concern. Prior to Ms. Speight's sending of the May 25 e-mail, Mr. Lipson had at least one conversation with Linda Pickles, in Human Resources regarding Ms. Speight. Ms. Pickles suggested that Mr. Lipson have a discussion with Ms. Speight about her perceived unhappiness. The tone of the discussion was *not* going to be disciplinary in nature.

At the meeting at which Ms. Speight was terminated, Mr. McCool informed Ms. Speight that she had done nothing egregious. Ms. Speight's termination was not for cause within the meaning of Capmark's severance policy, and Capmark did not code Ms. Speight's termination as being based on insubordination or other improper conduct.

**(3) LIST OF MONETARY DAMAGES CLAIMED**

- |    |             |                                   |
|----|-------------|-----------------------------------|
| 1) | Back pay:   | \$852,459.00                      |
| 2) | Front pay   | (alternative models)              |
|    | 5 years     | \$1.509 million - 1.795 million   |
|    | 10 years    | \$2.901 million - \$3.499 million |
|    | To age 66.5 | \$4.325 million - 5.281 million   |

All figures are based on plaintiff's expert report, subject to slight adjustments at time of trial.

- |    |   |
|----|---|
| 3) | Unliquidated compensatory and punitive damages.     |
| 4) | Attorneys' fees and costs which continue to accrue. |

**(4) WITNESSES**

The list of witnesses that Plaintiff will call at trial are set forth below in bold. Witnesses not in bold may be called at trial:

**Wanda James Speight**

Liability and Damages

c/o Salmanson Goldshaw  
Two Penn Center, Suite 1230  
1500 J.F.K. Boulevard  
Philadelphia, PA 19102

**Calvin E. Speight**

Liability and Damages

c/o Salmanson Goldshaw  
Two Penn Center, Suite 1230  
1500 J.F.K. Boulevard  
Philadelphia, PA 19102

**Mark McCool**

Liability

c/o Michael Banks, Counsel for Defendant  
Morgan Lewis & Bockius LLP  
1701 Market Street  
Philadelphia, PA 19103

**John Zurick**

Liability and Damages

c/o Michael Banks, Counsel for Defendant  
Morgan Lewis & Bockius LLP  
1701 Market Street  
Philadelphia, PA 19103

**Joe Hohenleitner**

Liability

c/o Michael Banks, Counsel for Defendant  
Morgan Lewis & Bockius LLP  
1701 Market Street  
Philadelphia, PA 19103

**Michael Lipson**

Liability

c/o Michael Banks, Counsel for Defendant  
Morgan Lewis & Bockius LLP  
1701 Market Street  
Philadelphia, PA 19103

**Tom MacManus**  
Cushman & Wakefield  
51 West 52nd Street  
New York, NY 10019

Liability

**Edward Finkenstaedt**  
c/o Michael Banks, Counsel for Defendant  
Morgan Lewis & Bockius LLP  
1701 Market Street  
Philadelphia, PA 19103

Liability

**Andrew C. Verzilli, M.B.A.**  
411 North Broad Street  
Lansdale, PA 19446

Damages

Linda Pickles  
c/o Michael Banks, Counsel for Defendant  
Morgan Lewis & Bockius LLP  
1701 Market Street  
Philadelphia, PA 19103

Liability and Damages

Jon Fogle  
c/o Michael Banks, Counsel for Defendant  
Morgan Lewis & Bockius LLP  
1701 Market Street  
Philadelphia, PA 19103

Liability and Damages

Marla Berger  
c/o Michael Banks, Counsel for Defendant  
Morgan Lewis & Bockius LLP  
1701 Market Street  
Philadelphia, PA 19103

Liability

Don Irwin  
c/o Michael Banks, Counsel for Defendant  
Morgan Lewis & Bockius LLP  
1701 Market Street  
Philadelphia, PA 19103

Liability and Damages

Robert Jones, JD, CPA, CEBS  
204 Cornell Drive  
Bryn Mawr, PA 19010

Liability (Dependent on Rulings on  
Motions in Limine)

Don Nienas  
307A Warren Street #1  
Brooklyn, NY 11201

Liability (Dependent on Rulings on  
Motions in Limine)

Clare Dooley  
c/o Michael Banks, Counsel for Defendant  
Morgan Lewis & Bockius LLP  
1701 Market Street  
Philadelphia, PA 19103

Liability

**(5) SCHEDULE OF EXHIBITS TO BE OFFERED AT TRIAL**

Exhibit numbers that are in bold will be used by Plaintiff at trial. Remaining numbers that are not in bold may be used at trial.

<b>Ex. No.</b>	<b>Description of Document</b>
<b>P-1</b>	<b>Complaint</b>
<b>P-2</b>	<b>Defendants' Answer and Affirmative Defenses (8 pages)</b>
<b>P-3</b>	<b>Defendant's Supplemental Answers and Objections to Plaintiff's First Set of Interrogatories</b>
<b>P-4</b>	<b>Email from Speight to Michael Carp dated 4/25/06, 8:27 a.m. Subject: Transition (D09307, 32573)</b>
<b>P-5</b>	<b>Email from Marla Berger to Barry Gerstein dated 2/12/06, 7:57 p.m., Subject: Confidential Restructuring/Efficiency Recommendations for PLG (D001081-1084)</b>
<b>P-6</b>	<b>Email from McCool to Speight dated 4/26/06, 8:19 a.m., Subject: RE: Preliminary recommendations (D009535-9536)</b>
<b>P-7</b>	<b>Series of Emails dated 4/20/06 – 5/2/06 Subject RE: Orion Hack, Panavision (D009553-9554)</b>
<b>P-8</b>	<b>Emails dated 5/3/06, 9:02 p.m., Subject: FW: Meeting (D009571)</b>

<b>Ex. No.</b>	<b>Description of Document</b>
<b>P-9</b>	<b>Emails dated 5/4/06, Subject: RE: SPG Orphan Loan Portfolio (Speight055-56)</b>
<b>P-10</b>	<b>Emails dated 5/5/06 Subject: FW: Single Tenant Exposure 12-31-05 (D009576-9588)</b>
<b>P-11</b>	<b>Emails dated 5/9/06 Subject: RE: Risk Rating Training (D009604-9605)</b>
P-12	Email from McCool to Speight dated 5/10/06 Subject: Message (D009610)
P-13	Emails dated 5/10-11/06 Subject: Message (D006211)
P-14	Emails dated 5/11/06 Subject: FW: Construction Management Fees (D010207)
P-15	Emails dated 5/11-12/06 Subject: Travel/Vacation Calendar (D009606)
<b>P-16</b>	<b>Emails dated 5/12/06 Subject: RE: Scheduling a demo of the UWAM – FS (D009656-9657)</b>
<b>P-17</b>	<b>Email from Speight to McCool dated 5/12/06, 3:47 p.m., Subject: FW: Service Level Expectations (D009592-9597)</b>
<b>P-18</b>	<b>Emails dated 5/15/06 Subject: RE: Orion's Start date (D009617)</b>
P-19	Emails dated 5/16/06 Subject: RE: Memo (D010206, 9635-9636)
P-20	Email from Speight to McCool dated 5/16/06, 5:37 p.m. Subject: IN case you missed this. I like the ending! (D009640-9642)
<b>P-21</b>	<b>Email from Speight to Madeline O'Brien and McCool dated 5/19/06, 4:05 p.m., Subject: Accepted: Further Drill Down on Integration (D010146)</b>
<b>P-22</b>	<b>Emails dated 5/19/06 Subject: Re: Resignation letter (D-10202, 10204-10205)</b>
P-23	Emails dated 4/24, 5/22/06 Subject: ERMIC Presentation – Apollo Relationship (D010180-10201)
<b>P-24</b>	<b>Emails dated 5/19, 5/22/06 Subject: FW: Resignation letter (D010166)</b>
P-25	Email from Speight to McCool et al., dated 5/23/06, 11:17 a.m. Subject: Please review 'PLG 2006 Q1 Financial Tracking – Combined (D010252-10267)

<b>Ex. No.</b>	<b>Description of Document</b>
<b>P-26</b>	<b>Email from Speight to McCool dated 5/23/06, 11:29 a.m. Subject: Fw: Asset Mgmt (D010268-10287)</b>
<b>P-27</b>	<b>Email from Clare Dooley to Speight et al. dated 5/24/06, 5:01 p.m. Subject: PLG AM: Job Task list – Revised (D010926-10936)</b>
<b>P-28</b>	<b>Wanda Meeting document (D000468-469)</b>
<b>P-29</b>	<b>Email from McCool to Jon Fogle dated 5/25/06, 10:10 a.m., Subject: Wanda Meeting.doc (D000426-428)</b>
<b>P-30</b>	<b>Wanda Meeting document (D000424-425)</b>
<b>P-31</b>	<b>Emails dated 5/25/06 Subject: RE: Wanda Meeting.doc (D00420-421)</b>
<b>P-32</b>	<b>Emails dated 5/25/06 Subject: FW: Wanda Meeting.doc (D000422-423)</b>
<b>P-33</b>	<b>Wanda Meeting document (D00466-467)</b>
<b>P-34</b>	<b>Emails dated 5/26/06 Subject: Asset Management (D000463-465)</b>
<b>P-35</b>	<b>Emails dated 5/22-5/26/06 Subject: RE: Canadian PLG loans (D011612-11616)</b>
<b>P-36</b>	<b>Email from Joseph Hohenleitner to Maria Berger dated 5/26/06 Subject: FW: Portfolio Management Breakdown – Relationship of the SCO and Asset Managers (D001191-1192)</b>
<b>P-37</b>	<b>Labor and Industry Request for Relief from Charges (D001116-1121)</b>
<b>P-38</b>	<b>Letter from Morgan G. Earnest II to Salmanson dated 2/28/07 (D000262-263)</b>
<b>P-39</b>	<b>Emails dated 6/14-6/15/06 Subject: FW: Follow up (D000399-400)</b>
<b>P-40</b>	<b>Capmark Financial Group Inc. Performance Counseling (D001130-1134)</b>
<b>P-41</b>	<b>Capmark Financial Group Inc. Termination Procedure (D001137-1144)</b>
<b>P-42</b>	<b>Emails dated 5/25-5/26/06 Subject: RE: Wanda Meeting.doc (D000404-405)</b>
<b>P-43</b>	<b>Violation of Company Rules &amp; Policies (D001135-1136)</b>



<b>Ex. No.</b>	<b>Description of Document</b>
P-44	Email from Speight to Clare Dooley dated 4/16/05, Subject: Follow up (D033144)
<b>P-45</b>	<b>Email from Clare Dooley to McCool dated 5/23/06, Subject Asset Management Meeting 5.23.06 with attached “PLG – AM Summary” (D035078-35090)</b>
P-46	Emails dated 4/23/06 to 5/23/06 re: Special Condominium Portfolio Review: Data Tape for Completion (D010672-10693)
<b>P-47</b>	<b>Emails dated 4/4/06 to 5/23/06, Subject: FW: Condo Exposure Forecast, with Attachments: Condo Exposure Forecasts 4.10.06 (D035147-35148)</b>
<b>P-48</b>	<b>Emails dated 4/5/06 to 5/23/06, Subject: FW: Condo Conversion Update, with Attachments: Condo Report 4-03-06 (D035149-35159)</b>
<b>P-49</b>	<b>Emails dated 5/24/06, Subject: FW: Potential Floating Rate Deal, with Attachments: 05/17.06 Pipeline (D010482-10489, 10889-10890)</b>
P-50	Email dated 5/24/06, Subject: Short Forms, with Attachments: Short Form-Serravella Apartments, Crittenden Campus Short Form 32212 and Short Form – Bella Terra (D010288-10354)
P-51	Emails dated 5/23/06 to 5/24/06, Subject: FW: New Assumption – Fast Track (D35105-35106)
P-52	Emails dated 5/15/06 to 5/24/06, Subject: FW: Ln# 011052668 amount \$33269.13—OKLAHOMA CITY PORTFOLIO (D10892-10894)
P-53	Emails dated 5/15/06 to 5/24/06, Subject: FW: Ln# 011052668 amount \$33269.13—OKLAHOMA CITY PORTFOLIO (D10892-10894)
<b>P-54</b>	<b>Emails dated 5/2/06 to 5/25/06, Subject: FW: ERMIC materials, with Attachments: Apollo.doc; Apollo.xls, Schlesinger.doc; Schlesinger.xls (D35115-35146)</b>
<b>P-55</b>	<b>Emails dated 4/11/06 and 5/25/06, Subject: FW: Notification of Credits To be Addressed at 1 Q 2006 ERMIC Watchlist Meeting, with Attachments: 1Q 06 ERMIC Watchlist.xls (D035103-35104)</b>
<b>P-56</b>	<b>Email dated 5/24/06 from Speight to McCool, Subject: Replacement for Chuck Matthews (D010895)</b>

<b>Ex. No.</b>	<b>Description of Document</b>
<b>P-57</b>	<b>Email dated 4/05/06 from Speight to Tony Lauerman, Subject: RE: SPG Orphan Loans (D034775-34779)</b>
<b>P-58</b>	<b>Memo dated 1/9/06 from Zurick re: Performance Issues of Employee Bryan Pollack (D001147-1151)</b>
P-59	Email dated 2/13/06 from Marla Berger to Barry Gerstein, Subject: Confidential Restructuring/Efficiency Recommendations for PLG with Attachments: Confidential Restructuring.doc (D001085-1091)
P-60	Email dated 3/3/08 from Marla Berger to Joanne Robles, Subject: FW: Confidential Restructuring/Efficiency Recommendations for PLG, with Attachments: Confidential Restructuring.doc (D001096-1099)
<b>P-61</b>	<b>Email dated 3/11/06 from David Laveman to Marla Berger, Subject: Efficiency Notes with Attachments: Efficiency Notes (D001100-1104)</b>
<b>P-62</b>	<b>Email dated 3/29/06 from Marla Berger to Barry Gerstein, et al., Subject: FW: Progress on Efficiency Initiatives (D001107-1108)</b>
<b>P-63</b>	<b>Emails dated 4/10/06 and 4/7/06 between Marla Berger and Speight, Subject: How firm is the transition date? (D008871)</b>
P-64	Emails dated 4/10/06 between Marla Berger and Michael Lipson, Subject: Re: Transfer of PLG's Asset Management Group to Servicing (D008783)
P-65	Classified Business Notebook (Speight 0386-422)
<b>P-66</b>	<b>Emails dated 4/13/06 and 5/5/06, Subject Service Level Expectations with Attachments: 04_06 Asset Manager Job Functions (D006076-6081)</b>
P-67	Emails dated 5/11/06 and 5/12/06, Subject: Re: Spanish Trails – Draw #4 (D009616)
P-68	GMAC Credit Risk Management – North America Policies and Procedures (D009616)
<b>P-69</b>	<b>Emails dated 5/25/06 between Joseph Hohenleitner and Marla Berger, Subject: Re: Meeting with Mike Lipson (D000647-673)</b>
<b>P-70</b>	<b>Emails dated 05/22-25/06, Subject: Canadian PLG Loans (D001185)</b>

<b>Ex. No.</b>	<b>Description of Document</b>
P-71	Email dated 5/31/06 from Joseph Hohenleitner to Marla Berger, Subject: Asset Management (D001193)
P-72	Capmark Financial Group, Inc. Discretionary Bonus Plan (Draft 11/13/06) (D036091-36097)
<b>P-73</b>	<b>Capmark Financial Group Inc. Discretionary Bonus Plan (D036086-36090, 36072)</b>
<b>P-74</b>	<b>Asset Management Employees Transferred to Servicing in 2006 (D036070-36072)</b>
P-75	Email dated 5/3/06 from John Zurick to Speight, et al. re: New HR Contact (Speight146)
<b>P-76</b>	<b>Emails dated 5/25/06 between Zurick and Fogle re: Wanda Meeting.doc (D000418)</b>
<b>P-77</b>	<b>Emails dated 5/25/06 between Fogel and Zurick re: Wanda Meeting.doc (D00416-417)</b>
<b>P-78</b>	<b>Memorandum from John Zurick to File dated 05/26/006 re: Speight Termination Meeting (D035077)</b>
<b>P-79</b>	<b>List of Termination Codes (D036043-36044)</b>
<b>P-80</b>	<b>“Termination Procedure” From GMAC Commercial Mortgage – HR Internal Procedures Manual (Revision Date: 3/24/05) (D036060-36066)</b>
<b>P-81</b>	<b>“Performance Counseling” from GMAC Commercial Mortgage HR Internal Procedures Manual (Revision Date: 1/23/04) (D036053-36057)</b>
<b>P-82</b>	<b>“Violation of Company Rules &amp; Policies” from GMAC Commercial Mortgage – HR Internal Procedures Manual (Revision Date: 1/23/04) (D036058-36059)</b>
<b>P-83</b>	<b>“Investigating Workplace Conduct” from GMAC Commercial Mortgage – HR Internal Procedures Manual (Revision Date: 1/23/04) (D036045-36049)</b>
P-84	Request for Relief From Charges of Capmark Financial Group to PA Department of Labor and Industry dated (Financial Decision Mailing Date: 6/26/06) (D001116-1121)

<b>Ex. No.</b>	<b>Description of Document</b>
<b>P-85</b>	<b>Termination Request Details for Speight Completed by McCool (5/26/06) (D035075-35076)</b>
<b>P-86</b>	<b>Email From McCool to Fogle and Zurick re: Canadian PLG Loans (5/26/06) (D000411-415)</b>
<b>P-87</b>	<b>Email from Zurick to Angela Hutchinson and Jon Fogle re: Canadian PLG Loans (5/26/06) (D000406-410)</b>
<b>P-88</b>	<b>Email from Zurick to Angela Re: Speight / Termination (5/26/06) (D-403-405) (Includes P-42 – D000404-405)</b>
P-89	Letter from Zurick to Speight re: Termination of Employment (5/26/06) (Speight092-95)
P-90	Intentionally omitted
P-91	Intentionally omitted
P-92	Intentionally omitted
P-93	Intentionally omitted
P-94	Intentionally omitted
P-95	Intentionally omitted
P-96	Intentionally omitted
P-97	Intentionally omitted
P-98	Intentionally omitted
P-99	Intentionally omitted
P-100	Intentionally omitted
P-101	Intentionally omitted
P-102	Intentionally omitted

<b>Ex. No.</b>	<b>Description of Document</b>
P-103	Intentionally omitted
P-104	Intentionally omitted
P-105	Intentionally omitted
<b>P-106</b>	<b>Email from Linda Pickles to All Employees with Capmark Compensation Philosophy attached (9/18/06 – 4:20p) (D036073-36085)</b>
<b>P-107</b>	<b>Capmark Financial Group, Inc. Discretionary Bonus Plan (Draft 11/13/06) (D036090-36097)</b>
<b>P-108</b>	<b>Capmark Financial Group, Inc. Discretionary Bonus Plan (12/31/07) (D036086-36089)</b>
<b>P-109</b>	<b>Termination Request Details for Bryan Pollack (Transaction Date: 4/12/06) (D001150-1151)</b>
<b>P-110</b>	<b>Memo from Zurick re: Performance Issues – Bryan Pollack (1/9/06) (D001147)</b> <b>Memo from Zurick re: Staff Concerns/Expectations – Bryan Pollack (1/31/06) (D001148-1149)</b>
P-111	Proprietary Lending Group Policies and Procedures of GMAC Commercial Mortgage (Revision Date: 2/2/06) (Speight017-021)
P-112	Inter-Office Memo from Hanson to Hohenleitner and Speight (cc: Tony Lauerman) re: One Ecker, Fourth Amendment, Asset # 98-1072200) (4/9/06) (D019880-19884)
P-113	Email from Speight to Hohenleitner re: May Watch List Meeting (4/27/06 – 8:35a) (D032747)
P-114	Email Meeting Notification re: Special Condominium Portfolio Review (Tentative Meeting Date: 5/8/06 – 10a) (D004073)
<b>P-115</b>	<b>Email from Hohenleitner to Jennifer Delp (cc: Beth Coady, Arsenia Winfield and Speight) re: Risk Rating Times Available (5/9/06 – 11:17a) (D035560-35561)</b>

<b>Ex. No.</b>	<b>Description of Document</b>
P-116	Email from Irwin to Hohenleitner re: Specific Reserves – Preliminary 2 <sup>nd</sup> Q06 attaching preliminary specific reserve analysis forms (5/12/06) (D035609)
P-117	Email Meeting Notification re: Updated: Watchlist Meeting for PLG and former CV and SPG Loans (Tentative Meeting Date: 5/15/06 – 11a) (D036028)
<b>P-118</b>	<b>Email from Speight to Justin Snarponis, Joseph Hohenleitner and John Kipping (cc: Donald Nienas) re: Loans that will be delinquent as of 5/31/06 (5/16/06 – 8:22a) (D009619)</b>
<b>P-119</b>	<b>Email from Donald Nienas to Maureen Menarde and Beth Coady (cc: Speight, Irwin, Hohenleitner and Lauerman) re: Canadian PLG Loans (5/24/06 – 4:11p) (D035420)</b>
P-120	Email from Beth Coady to Speight, Irwin and Nienas (cc: Hohenleitner, Winfield, Menarde, Delp, Deja, Lauerman, Kipping and Snarponis) re: 2Q 2006 Risk Rating – PLG (5/24/06- 4:10p) (D035161-35164)
<b>P-121</b>	<b>Email from Donald Nienas to Beth Coady (cc: Maureen Menarde and Speight) re: Canadian PLG Loans (5/24/06 – 4:23p) (D010889-10890)</b>
<b>P-122</b>	<b>Email from Donald Nienas to Shamshir Iqbal (cc: Pat Lawton, Speight, Coady, Hohenleitner, Menarde and Winfield) re: 2Q 2006 Risk Rating – PLG Canada (5/25/06 – 7:52a) (D035416-35419)</b>
<b>P-123</b>	<b>Email from Hohenleitner to Berger re: Meeting With Lipson (5/25/06 – 3:19p) (D035411-35414)</b>
<b>P-124</b>	<b>Email from Hohenleitner to Delp, Coady and Winfield re: PLG Horsham Risk Rating Conference Call (6/26/06 – 8:44a) (D035931-35933)</b>
P-125	Email from Hohenleitner to Robert Ballard, Beth Forbes and Maureen Menarde re: PLG RR Process – Feedback on Servicing (6/21/06 – 7:43a) (D035934)
<b>P-126</b>	<b>Email from Speight to Irwin and Susanne Morrow (cc: O'Brien, McCool and Carp) re: PLG Asset Management Staff Profiles attaching PLG S Profiles (4/11/06 – 3:06p) (D033530-33543)</b>
<b>P-127</b>	<b>Email from Tony Lauerman to Speight (4/10/06 – 10:09a) (D-8808)</b>
P-128	Email from Maureen Wlodarczyk to Speight (5/30/06 – 3:58p) (Speight083)

<b>Ex. No.</b>	<b>Description of Document</b>
P-129	Email from Hohenleitner to Irwin (cc: Arsenia Winfield) re: Risk Rating Meeting on 6/12 (6/7/06 – 7:44a) (D035943-35944)
<b>P-130</b>	<b>Email from Beth Coady to Speight, Donald Irwin and Donald Nienas (cc: Hohenleitner, Winfield, Menarde, Delp, Deja, Lauerman, Kipping and Snarponis) re: 2Q 2006 Risk Rating – PLG (5/24/06 – 5:10p) (D000675-678)</b>
P-131	Email from Donald Nienas to Shamshir Iqbal (cc: Lawton, Speight, Coady, Hohenleitner, Menarde and Winfield) re: 2Q 2006 Risk Rating – PLG Canada (5/25/06 – 7:25a) (D035416-35419)
P-132	Email from Hohenleitner to Arsenia Winfield re: Updated – PLG New York Risk Rating Conference Call (6/6/06 – 2:28p) (D035955-35956)
P-133	Email from Hohenleitner to Lauerman re: Specific Reserves 2 <sup>nd</sup> Q06 (6/16/06) (D035954)
P-134	Email from Hohenleitner to Robert Ballard, Beth Forbes and Maureen Menarde re: PLG RR Process – Feedback on Servicing (6/21/06 – 7:43a) (D035934)
P-135	Emails between Beth Ann Wilson to Speight re: Thanks for the Update (4/22/06 to 4/23/06 - 4:21p) (Speight051)
P-136	5/12/06 Discussion with McCool and Mike Carp (Speight 070)
P-137	Risk Matrix for Holding Options in a Private Company – Prepared Solely for the Use of Speight (2/18/06 – Confidential) (Speight 187-189)
P-138	Email from Speight to Robert Jones re: A Message from Hal Purcell (5/3/06) (Speight192)
P-139	Emails between Speight to Robert Jones re: Follow up with Speight, A Message from Hal Purcell, Message, and Memo (5/4/06 to 5/19/06) (Speight193, 195, 190-191, 196)
P-140	Email from Beth Coady to Speight, Nienas and Irwin (cc: Jeffrey Ungermah, Gagan Suri and Daniel Ela) re: 1Q 2006 Risk Rating – PLG Canada (2/23/06)
<b>P-141</b>	<b>Email from Patrick Vahey to Speight (cc: Jessica Eberly and Sherry Johnson) re: Former SPG Assets (2/28/06 – 8:58a) (D020718-20719)</b>

<b>Ex. No.</b>	<b>Description of Document</b>
P-142	Email from Beth Coady to Speight and Hohenleitner (cc: Nienas, Irwin, Ungermah and Ela) re: 1Q 2006 Risk Rating – SPG (2/28/06 – 12:00p) (D003811-3815)
P-143	Email from Jeffrey Ungermah to Speight and Frank Sparrow (cc: Nathan Perry and Diana Kashapova) re: SPG Legacy Portfolio (3/7/06) (D020753-20756)
P-144	Email from Frank Sparrow to Speight, Berger and Larry Kligman (cc: Irwin) re: SPG Loan Transfer Status Update) (3/9/06 – 6:51a)
P-145	Email from Laura DeLeon to Susanne Morrow (cc: Speight and Nathan Perry) re: Sub Lender Transfer Agreements Provided: Georgian Woods I & III and Stratford Place (4/4/06 – 2:38p) (D024390)
<b>P-146</b>	<b>GMAC Pooled Incentive Compensation Plan for the Proprietary Lending Group (January 1 – December 31, 2004) (Speight295-305)</b>
P-147	Handwritten Memo from Hohenleitner to Marla re: Portfolio Management Break-d (5/26/06) (Speight91)
P-148	Letter from Salmanson to Aldinger re: Speight Appeal From Denial of Contingent Award Payment (10/10/06) (Speight306-309)
<b>P-149</b>	<b>Termination Request Details for Madeline O’Brien (D001152-001153)</b>
<b>P-150</b>	<b>Email from Zurick to Hutchinson re: Termination of Nicole Barrett (D001161)</b>
<b>P-151</b>	<b>Def’s Answers to Plaintiff’s Second Interrogatories (5 Pages)</b>
<b>P-152</b>	<b>Performance Appraisal for Speight – 1999 (D000159-171)</b>
<b>P-153</b>	<b>Performance Appraisal for Speight – 2000 (D000142-158)</b>
<b>P-154</b>	<b>Performance Appraisal for Speight – 2002 (D000126-138)</b>
<b>P-155</b>	<b>Performance Appraisal for Speight – 2003 (D000180-188)</b>
<b>P-156</b>	<b>Performance Appraisal for Speight – 2004 (D000191-200)</b>
<b>P-157</b>	<b>Performance Appraisal for Speight – 2005 (D000201-212)</b>



<b>Ex. No.</b>	<b>Description of Document</b>
<b>P-158</b>	<b>Speight Salary/bonus history (D000213) (Speight-5)</b>
<b>P-159</b>	<b>Intentionally omitted</b>
<b>P-160</b>	<b>Capmark Severance Pay Plan (D000470-495)</b>
<b>P-161</b>	<b>Emails dated 4/10/06 re: Listing of Canadian Loans (D008793)</b>
<b>P-162</b>	<b>Emails dated 4/5/06 to 4/19/06 re: SPG Orphan Loan Portfolio (D021845-21847)</b>
<b>P-163</b>	<b>Emails dated 04/05/06 to 05/04/06 re: SPG Orphan Loan Portfolio (D019826-19828)</b>
<b>P-164</b>	<b>GMAC Offer of Employment to Speight (Speight001)</b>
<b>P-165</b>	<b>Intentionally omitted</b>
<b>P-166</b>	<b>Emails dated 03/10/06 to 03/17/06 Subject: FW: Update on Hiring for NYC Asset Management Team and Subject: Portfolio Transfer (D030836-30838)</b>
<b>P-167</b>	<b>Emails dated 03/30/06 to 04/04/06 Subjects: GMACCHCC Asset Transfer to GMACCM, Call Sue Morrow and Chuck Morrow and Sub Lender Transfer Agreements Provided: Georgian Woods I &amp; III and Stratford Place (D024390-24391) (Exhibit Speight-16)</b>
<b>P-168</b>	<b>Emails dated 03/08/06 to 03/09/06 Subject: SPG Loan Transfer Status Update (D020803-20805) (Ex. Speight-15)</b>
<b>P-169</b>	<b>Emails dated 04/22/06 and 04/23/06 Subject: Thanks for the Update (Speight051) (Ex. Speight-2)</b>
<b>P-170</b>	<b>Emails dated 04/11/06 to 05/04/06 Subject: SPG Orphan Loan Portfolio (Speight054) (Ex. Speight-3)</b>
<b>P-171</b>	<b>GMAC Pooled Incentive Compensation Plan for Intermediate Finance Group (D000496-000505)</b>
<b>P-172</b>	<b>GMAC Pooled Incentive Compensation Plan for Proprietary Lending Group (D000333-344)</b>

<b>Ex. No.</b>	<b>Description of Document</b>
P-173	Memo From The Law Department of Capmark Financial Group to Employees of Capmark Re: Capmark: North American Legal Entity Names (Speight122-127)
P-174	List of Employee Terminations (D001212-1214)
<b>P-175</b>	<b>Plaintiff's Expert Report and Responses to Information Questionnaire</b>
<b>P-176</b>	<b>Verzilli &amp; Verzilli Information Questionnaire</b>
<b>P-177</b>	<b>Curriculum Vitae of Plaintiff's Expert</b>
<b>P-178</b>	<b>Asset Mgmt. Employees Transferred to Servicing in 2006 (D036101-36103)</b>
<b>P-179</b>	<b>Letter Dated 07/28/08 from Michael J. Eagles, Esquire to Katie Eyer, Esquire</b>
<b>P-180</b>	<b>Speight Resume (Speight 0332-335)</b>
<b>P-181</b>	<b>W-2 and Earnings Summary for 2004, 2005 and 2006 (GMAC and Capmark) (Speight 100-101, 336)</b>
<b>P-182</b>	<b>W-2 and Earnings Summary for 2006 (Sovereign Bank) (Speight 0337)</b>
<b>P-183</b>	<b>Letter Dated 07/24/06 from Capmark to Speight re: Call Right (Speight111-112)</b>
<b>P-184</b>	<b>Speight Earnings Statement From Capmark (Speight113)</b>
<b>P-185</b>	<b>GMAC 2006 Equity Plan (Speight227-284)</b>
<b>P-186</b>	<b>Email dated 10/31/08, Subject: Confirmation of 20096 Benefits Selection with GMAC (Speight0338-340)</b>
<b>P-187</b>	<b>Capmark COBRA Enrollment (D000019-24)</b>
<b>P-188</b>	<b>GMAC Annual Contingent Award Statement (Speight090)</b>
P-189	GMAC Employee Policy Manual (D000520-634)
P-190	Changes to U.S. Company Policy Manual (Speight098-99)
<b>P-191</b>	<b>Letter from GMAC to Speight re: Retirement Plan (Speight213-215)</b>

<b>Ex. No.</b>	<b>Description of Document</b>
<b>P-192</b>	<b>GMAC Retirement Plan Subscription (Speight216-225)</b>
<b>P-193</b>	<b>Sovereign Bank Earnings Statement (Speight 0341)</b>
<b>P-194</b>	<b>Sovereign Bank Confirmation of Employment (Speight203-211)</b>
<b>P-195</b>	<b>Sovereign Bank Benefits Profile (Speight 0342-349)</b>
<b>P-196</b>	<b>Sovereign Bank Compensation Summary Statement (Speight 0423)</b>
<b>P-197</b>	<b>Sovereign Bank 2007W-2 Earning Summary (Speight 0424-425)</b>
<b>P-198</b>	<b>Email dated 06/21/06 from Batter to Speight Re: Incentive Plan (D000322)</b>
<b>P-199</b>	<b>Email dated 04/01/08 from Speight to Serrano Re: Restricted Stock Awards (Speight 0426-437)</b>
<b>P-200</b>	<b>Email Dated 03/28/06 From Maria Berger to Larry Kligman, Subject: Progress On Efficiency Initiatives (D000839-840)</b>
<b>P-201</b>	<b>GMAC Pooled Incentive Compensation Plan for Intermediate Finance Group (Speight285-294)</b>
<b>P-202</b>	<b>Fair Market Value and Book Value Per Share of Capmark Common Stock (D036069)</b>
<b>P-203</b>	<b>Speight Prescription Tracking (Speight 350-353)</b>
<b>P-204</b>	<b>Blue Cross Explanation of Benefits and Account Details (Speight 0354-358)</b>
<b>P-205</b>	<b>GMAC Estimated 2005 Year End Market Compensation (Speight 0359)</b>
<b>P-206</b>	<b>Capmark Separation Information (Speight 0360, 367-369)</b>
<b>P-207</b>	<b>Personal Choice Coverage Cards (Speight 0361-362)</b>
<b>P-208</b>	<b>Email dated 08/15/06, Subject: Interview Schedule for Sovereign Bank (Speight 0363)</b>
<b>P-209</b>	<b>COBRA Information (Speight 0364-365)</b>

<b>Ex. No.</b>	<b>Description of Document</b>
<b>P-210</b>	<b>Benefits Summary (Speight 0366)</b>
<b>P-211</b>	<b>Earnings Statement for Period Ending 07/18/08 (Speight 0438)</b>
<b>P-212</b>	<b>Responses and Objections to Plaintiff's 4<sup>th</sup> Request for Production of Documents</b>
<b>P-213</b>	<b>Defendant's Responses and Objections to Plaintiff's 4<sup>th</sup> Set of Interrogatories</b>
<b>P-214</b>	<b>Capmark Earnings Information</b>
<b>P-215</b>	<b>Asset Mgmt. Employees Transferred to Servicing in 2006 (D036098-36100)</b>
<b>P-216</b>	<b>Email Dated 05/22/06, Subject: Service Level Agreement (Speight007-011)</b>
P-217	GMAC Proprietary Lending Group Policies and Procedures (Speight016-039)
P-218	Email Dated 05/31/06 from Chris Neilsen to Speight re: Speight termination (Speight082)
<b>P-219</b>	<b>Email Dated 05/19/06, Subject: Crittenden Loan #32212 (Speight087-088)</b>
P-220	Handwritten Noted Dated 05/30/06 From Shelby and Frank Sparrow to Speight (Speight103)
<b>P-221</b>	<b>Speight Performance Appraisal History (Speight114-116)</b>
P-222	Email dated 05/16/06 From Speight to Jones, Subject: Memo (Speight149)
P-223	Flyer From Institute for Management Studies w/Speight notes attached (Speight150-151)
P-224	Emails dated 10/10/07 and 10/12/07, Subject: Appointment of Greg McManus (Speight 0320-321)
<b>P-225</b>	<b>GMAC Supervisory Performance Appraisal Rating Form (D000100-111)</b>
<b>P-226</b>	<b>Email dated 04/28/06 from Speight to DiStefano re: Shared Files (D032722-32726)</b>

<b>Ex. No.</b>	<b>Description of Document</b>
<b>P-227</b>	<b>Emails dated 04/05/06 to 04/25/06, Subject: SPG Orphan Loan Portfolio – 202 East Earll, LP (D021848-28149)</b>
<b>P-228</b>	<b>Emails dated 05/22/06 to 05/25/06, Subject: Canadian PLG Loans (D035421-35422)</b>
<b>P-229</b>	<b>Emails dated 04/05/06 to 05/04/06, Subject: SPG Orphan Loan Portfolio – 202 East Earll, LP (D021851-21853)</b>
<b>P-230</b>	<b>Emails dated 05/22/06, Subject: Canadian PLG Loans (D002061)</b>
<b>P-231</b>	<b>Email dated 05/22/06 from Tom Deja to Clare Dooley, Subject: Principal Finance Monthly Financial Statement Reporting Requirements (D012273)</b>
<b>P-232</b>	<b>Emails dated 04/10/06, Subject: Listing of Canadian Loans (D34207)</b>
<b>P-233</b>	<b>Emails dated 04/10/06, Subject: Transfer of PLG’s Asset Management Group to Servicing (D008781-8782)</b>
<b>P-234</b>	<b>Emails Dated 04/11/06 re: Meeting (D008911)</b>
<b>P-235</b>	<b>Email dated 04/06/06 from Joy Fraunfelter to Speight re: Team Leader Training with attached “Respectful Communication” (D010993-10995)</b>
<b>P-236</b>	<b>Email from Speight to Jones re: Follow up (D029504)</b>
<b>P-237</b>	<b>Emails dated 03/15/06 to 03/24/06, Subject: Final SPG 1Q 2006 Risk Rating Spreadsheet for Approval (D029851-29852)</b>
<b>P-238</b>	<b>Email Dated 03/16/06 with PLG Canada 1Q 2006 Risk Rating spreadsheets attached (D003106-3122)</b>
<b>P-239</b>	<b>Termination Request Details for Kevin Mechalas (D001154-1155)</b>
<b>P-240</b>	<b>Employee Separation Form for Leonard Mudlock (D00156)</b>
<b>P-241</b>	<b>Employee Separation Form and Termination Checklist for Gary Garvin (D001157-1158)</b>
<b>P-242</b>	<b>Termination Request Details for Nicole Barrett (D001159-1160)</b>

<b>Ex. No.</b>	<b>Description of Document</b>
P-243	Handwritten note to Beth Wilson on GMAC Commercial Mortgage Letterhead (WILS0009)
P-244	Organizational Chart Dated 08/05/05 (WILS0010)
P-245	Handwritten Notes dated 10/05/05 (WILS0019-20)
P-246	Handwritten Notes Dated 10/05/05 re: Goals (WILS0021)
P-247	Handwritten Notes (WILS0025)
P-248	Email dated 06/14/06 re: PLG Risk Rating Call (D035655)
<b>P-249</b>	<b>Email dated 05/23/06 from Speight to Dooley, Subject: Please review 'PLG 2006 Q1 Financial Tracking – Combined' (35091-35098)</b>
P-250	Letter dated 01/09/06 from Lisa Rash of First American Exchange Company to Pat Nooney of ASR Mira Mesa, LLC (D035107-35108)
P-251	Letter dated 05/23/06 from Andrew Segal of Boxer Property to Noreen Engler of GMAC (D035109)
P-252	Email dated 05/24/06 from Beth Coady to Bryan Grundmann, Subject: 2Q 2006 Risk Rating – PLG Canada (D035171-35174)
<b>P-253</b>	<b>Emails dated 05/26/06 Between Hohenleitner to Robert Ballard, Subject: Portfolio Management Breakdown – Relationship of the SCO and Asset Managers (D050349-50351)</b>
P-254	Email dated 06/28/06 from Beth Forbes to Nathan Perry with SPG 2Q Final Risk Ratings Attached (D065022-65031)
P-255	Emails dated 05/22/06 to 05/25/06, Subject: Canadian PLG Loans (D053795-53799)
<b>P-256</b>	<b>Emails dated 05/26/06, Subject: Portfolio Management Breakdown – Relationship of SCO and Asset Managers (D054431-54433)</b>
P-257	Emails dated 05/30/06 (D050329-50329)

<b>Ex. No.</b>	<b>Description of Document</b>
P-258	Email notification of Meeting on 06/15/06, Subject: PLG Horsham Risk Rating Conference Call with Attachments: Condo and RES-Managed Loans (D052411-52607)
P-259	Defendants' Expert Christopher Erath, Ph.D.'s report dated 10/10/08
P-260	Documents Relied on by Christopher Erath, Ph.D.
P-260 A	Asset Management Employees Transferred to Servicing in 2006 (D036070-36072)
P-260 B	Asset Mgmt. Employees Transferred to Servicing in 2006 (D036098-36100)
P-260 C	Asset Mgmt. Employees Transferred to Servicing in 2006 (D036101-36103)
P-260 D	Speight Salary/bonus history (D000213)
P-260 E	Capmark Financial Group, Inc. Discretionary Bonus Plan (Draft 11/13/06) (D036091-36097)
P-260 F	Capmark Financial Group Inc. Discretionary Bonus Plan (D036086-36090)
P-260 G	Plaintiff's Complaint
P-260 H	Letter from Salmanson to Aldinger re: Speight Appeal From Denial of Contingent Award Payment (10/10/06) (Speight306-309)
<b>P-260 I</b>	<b>Letter from Morgan G. Earnest II to Salmanson dated 2/28/07 (D000262-263)</b>
P-260 J	Letter from GMAC to Speight re: Retirement Plan (Speight213-215)
P-260 K	W-2 and Earnings Summary for 2006 (Sovereign Bank) (Speight 0337)
P-260 L	Sovereign Bank Confirmation of Employment (Speight203-211)
P-260M	Sovereign Bank Earnings Statement (Speight 0341) and Benefits Profile (Speight 0342-348)
P-260 N	Earnings Statement dated 12/7/07 (Speight 0370)

**Ex. No.**

**Description of Document**

- P-260 O Sovereign Bank Compensation Summary Statement (Speight 0423) and Sovereign Bank 2007W-2 Earning Summary (Speight 0424-425) and Email dated 04/01/08 from Speight to Serrano Re: Restricted Stock Awards (Speight 0426-437)
- P-260 P Speight's Deposition Transcripts
- P-260 Q Emails between Beth Ann Wilson to Speight re: Thanks for the Update (4/22/06 to 4/23/06 - 4:21p) (Speight051)
- P-260 R Email from Speight to Robert Jones re: A Message from Hal Purcell (5/3/06) (Speight192)
- P-260 S Intentionally omitted
- P-260 T Christopher Erath, Two Myths Exposed
- P-260 U Capmark Financial Group's SEC Form 8-K dated 8/11/08
- P-260 V Thomas Daymont: The Effects of Job Displacement on Post-Displacement Earnings
- P-261 Intentionally omitted
- P-262 Intentionally omitted
- P-263 Earnings Statements dated 12/19/08 and 1/2/09**
- P-264 Defendant's Responses to Third Interrogatories 3/21/08
- P-265 Defendant's Second Supplemental Answers to First Interrogatories 5/30/08
- P-266 W-2 and Earnings Summary for 2008 (Sovereign Bank) (Speight 0441)**
- P-267 Earnings Statement dated 1/29/2009 (Sovereign Bank) (Speight 0442)**

**(6) SPECIAL COMMENTS REGARDING LEGAL ISSUES, STIPULATIONS, AMENDMENTS OF THE PLEADINGS, OR OTHER APPROPRIATE MATTERS**

None.



**(7) OBJECTIONS TO THE ADMISSIBILITY OF EVIDENCE / QUALIFICATIONS OF EXPERTS**

Please see Plaintiff's Motions in Limine, filed February 3, 2009.

Plaintiff's motion based on information not known to the decision-makers would result in the exclusion of Defendant's Exhibits D-11, D-15, D-16; D-17; D-28; D-29; D-30.

In addition, plaintiff objects to D-11 to the extent that it contains hearsay.

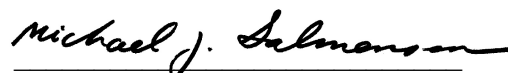
**(8) STIPULATION OF UNCONTESTED FACTS**

(Filed Separately).

**(9) SPECIAL COMMENTS REGARDING STATEMENT OF LEGAL ISSUES INVOLVED IN THE CASE**

Plaintiff does not believe that there are any special issues which needs to be brought to the Court's attention. Plaintiff respectfully requests that the Court allow the jury to render an advisory verdict on the amount of back and front pay.

Respectfully submitted,



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Date: February 18, 2009

**CERTIFICATE OF SERVICE**

I hereby certify that on February 18, 2009, I caused a true and correct copy of the foregoing *Plaintiff's Pretrial Memorandum* to be filed via the Official Court Electronic Document Filing System, and that said document is therefore available for viewing and downloading on the ECF System. By virtue of this filing, service upon the following counsel, being Electronic Case Filing Users, is complete upon counsels' receipt of the Court's e-mail notification of the Notice of Electronic Filing:

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